

Follow-up to yesterday's meeting

Sara Sorenson to: Pilar Patterson
Cc: Michelle Josilo, Karen OBrien

09/10/2009 01:42 PM

Hi Pilar,

Once again, thanks to you and your staff for meeting with us yesterday to discuss NJPDES permitting. I think it was a very productive meeting and I look forward to working with NJDEP on permitting issues.

I haven't had a chance yet to fully digest my notes but I thought I would forward you what I owe you and also take the opportunity to clarify my TP criterion implementation issue since I did not have the specific permits with me that I could use for examples.

1. Pesticide Rule - EPA Region 2 Contact: Kahlid Chowdhry, 212-637-3871. He is in my section under Michelle.

2. TP Criteria - I recall in our discussions I gave three examples of permits that generated my broader question on TP criteria implementation. I wanted to follow-up on this issue since it seemed there was some confusion on what permits I was referring to and exactly what condition.

Cumberland County (NJ0024651): draft permit fact sheet (July 2009) does indicate that the discharge is into Class FW2-Nontrout waters (Page 1), of which N.J.A.C. 7:9B-1.14(d) surface water criteria for TP apply (as written, unless there is another provision somewhere else that exempts this waterbody from the TP criteria). I think it was mentioned yesterday that the discharge is into the Delaware Bay (River?). As written, the fact sheet language seems inconsistent with NJ water quality criteria and 40 CFR 122.44. If the criterion is problematic for this type of discharge, there will have to be another mechanism for not applying the TP criterion to this specific waterbody.

Central Avenue WWTP (NJ0021709): Discharge into Delaware River -Zone 2 (July 2009). I think it was explained yesterday that there are no TP criteria for this permit; however, I wasn't clear from the permit language whether, based on the salinity provision in N.J.A.C. 7:9B-1.14(h), whether the FW2 criteria for TP really does apply. Nevertheless, I think my main question on TP criteria implementation for this permit had to do with the fact sheet language since it seems to suggest that only a TP limit will be placed if a TMDL is established. Rather, as you know, this is not the only means for establishing a limit, such as described in N.J.A.C. 7:14A-13.5 and 7:14A-13.7.

NW Bergen County (NJ0024813): the permit fact sheet (page 7) states the following:

"In accordance with N.J.A.C. 7:9B-1.14(c), the criteria for total phosphorus (TP) is 0.1 mg/L except where site-specific or watershed criteria are developed or it can be demonstrated that total phosphorus is not the limiting nutrient and will not otherwise render the water unsuitable for the designated uses. At this time, the Department does not have evidence to conclude that phosphorus is not the limiting nutrient in the receiving stream, nor that the discharge of phosphorus from the permittee will not render the waters unsuitable for the designated uses."

In addition, the fact sheet explains that a site specific criterion will be assessed through a TMDL and upon conclusion of this TMDL, the permit will be modified to include a limit. So, it appears that TP was not assessed for this discharge. As I stated yesterday, this approach seems inconsistent with NJ's water quality standards. Also, it is important to note that I have also seen this language in another permit, Ewing Lawrence (NJ0024759; May 2009 draft), but has the added sentence "Therefore, the numerical criterion 0.1 mg/L (TP) is applicable for this receiving water." Since both discharges discharge to FW2 waters, I am confused why the criterion applies in one case and not another.

So, as you can see, I was unclear on NJ's approach for implementing the TP criteria and would appreciate any additional information you may have that could help shed some light on this issue.

3. TSD Statistical Procedures - It looks like I may have to schedule something in early October . I will get back to you with some proposed dates.

4. PQR May 2009 PQR Report - I have attached the report. Please send me any comments you have. The core findings with tiered action items are in section 4.2.1 starting on page 41.



R2 PQR REVISED Draft Report 4-1-09.doc

Cheers,

Sara

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